(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No. 6585 of 2007

PETITIONER T.S. Dhruwa, S/o. Late Jamuna Lal Dhruwa, aged about 48 years, Deputy Ranger, Forest Range Office- Pithora, District Mahasamund (C.G.), R/o. Pithora Forest Colony, Tahsil and District Mahasamund (C.G.)

Versus

RESPONDENTS

1. The State of Chhattisgarh Through – the Secretary Department of Forest, D.K.S. Bhawan Raipur (C.G.)
2. Under Secretary, Department of Forest, D.K.S. Bhawan, Raipur (C.G.)
3. Divisional Forest Officer, Forest Division Mahasamund, Tahsil and District Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Presence :

Shri Raghvendra Pradhan, counsel for the petitioner.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

ORAL ORDER
(15.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Dy. Ranger, has been transferred from Pithora Van Mandal Mahasamund to Van Mandal Raipur by order dated 31.8.2007 (Annexure-P/1).

Learned counsel for the petitioner argues that on 7.7.2006, the petitioner was transferred from Pithora Van Mandal to Forest Range West Pithora, therefore, this is the frequent transfer.

I do not find any fore in the arguments advance by the learned counsel for the petitioner. By order dated 7.7.2006, the petitioner was sent in a different Van Parikshetra both situated in Mahasamund Van Mandal, therefore, it was only like a local arrangement and now this time only, he has been transferred from Pithora to Van Mandal Raipur.

(37)

The transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

For the foregoing reasons, I am not inclined to admit this petition for hearing. The petition is not worth admission. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti